

### **REMARKS**

Claims 1-31 are pending in this application. Of these pending claims, Claims 1-13, 15, 16 and 19 stand rejected; Claims 14, 17, 18 and 31 stand objected to; and Claims 20-30 stand allowed.

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

#### **Claim Rejections – 35 U.S.C. § 112, second paragraph**

Claims 7, 19, 28 and 31 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Regarding Claims 7, 19, and 31, Applicants submit that the term “A<sub>n</sub>” refers to the cross sectional area of the nozzle for passage of liquid. Claims 7, 19, and 31 depend from independent Claims 1, 8, and 20, respectively. In each claim set, the term “A<sub>n</sub>” is being introduced for the first time in each of Claims 7, 19, and 31 using the phrase “a cross sectional area A<sub>n</sub>”. As such, Applicants respectfully submit that first occurrence of the term “A<sub>n</sub>” in each of Claims 7, 19, and 31 provides antecedent basis for subsequent recitations of the term “A<sub>n</sub>”. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of Claims 7, 19, and 31.

Regarding Claim 28, Applicants submit that the phrase “the first and second stationary portions of the beam element” of Claim 28 is first introduced in Claim 26 with the phrase “define first and second stationary portions of the beam element”. Claim 28 depends from Claim 26. As such, Applicants respectfully submit that first occurrence of the phrase “first and second stationary portions of the beam element” in Claim 26 provides antecedent basis for subsequent recitations of the phrase in Claim 28. Accordingly, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of Claim 28.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1-13, 15, 16, and 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by the Trauernicht et al. (2004/0155917) reference.

Independent Claims 1 and 8 include the feature of “the bending portion having at least one actuator opening for passage of the liquid”. Applicants respectfully submit that the prior art cited above does not disclose this feature.

In this regard, Applicants submit that the present invention comprises an actuator opening 32 shown, for example, in at least Figures 3(b), 7-9, and 12(a)-12(d), and described in Applicants’ specification on at least page 11, line 30 through page 12, line 4, located in the moving (bending) portion of the cantilevered element 20 of thermal actuator 15. In contrast, the Trauernicht et al. (2004/0155917) reference discloses no such opening located in the moving (bending) portion of the cantilevered element 20 of the thermal actuator 15 disclosed in the reference.

Referring to Figure 1 of the Trauernicht et al. (2004/0155917) reference, a gap (not numbered) exists and is shown between the moving (bending) portion of the cantilevered element 20 of the thermal actuator 15 and the chamber wall 28. It is the presence of this gap that allows the moving (bending) portion of the cantilevered element 20 to move when actuated. As such, a gap (not numbered) also exists and is shown in Figure 1 of the present invention. However, the actuator opening of the moving (bending) portion of the cantilevered element 20 of the present invention does not include this gap. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102 rejection of Claims 1 and 8 is respectfully requested.

The remainder of the claims being dependent from either Claim 1 or Claim 8 are considered patentable for at least the same reasons described above. Accordingly, reconsideration and withdrawal of the 35 U.S.C. §102 rejection of Claims 2-7, 9-13, 15, 16, and 19 is respectfully requested.

### **Allowable Subject Matter**

Claims 14, 17, and 18 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 14, 17, and 18 depend from independent Claim 8. As such, Applicants

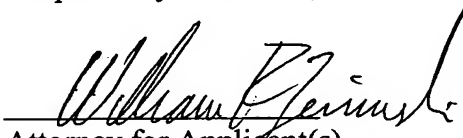
request reconsideration and withdrawal of the objection to Claims 14, 17, and 18 based on the reasons set forth above which state a basis for the allowance of Claim 8.

**CONCLUSION**

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

Respectfully submitted,

  
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.